

EXHIBIT 18

IN THE DISTRICT COURT OF MORRILL COUNTY, NEBRASKA

STEVE POOLE AND LORI POOLE, on behalf of)
themselves and all others similarly situated,)
Plaintiffs,)

Case No. CI 05 - 20

v.)

ORDER

BAYER AG; *et al.*,)
Defendants.)

This matter came before the Court on August 8, 2005, for hearing on two motions on the merits brought by Defendants, pursuant to Neb. R. Pleading Civ. Actions Rule 12(b)(6):

1) Motion to Dismiss by DSM Copolymers, Inc. based upon the arguments that Plaintiffs' lack antitrust standing as damages alleged by Plaintiff are too attenuated and cannot be supported by Nebraska law because Plaintiff was the purchaser of a derivative end-use product in which Defendants' product was one component, and that the statute of limitations against DSM Copolymers, Inc. had run; and

2) Motion to Dismiss by Bayer Corp., Bayer MaterialScience LLC (f/k/a Bayer Polymers LLC), Crompton Corp., Uniroyal Chemical Co., Inc., ParaTec Elastomers, LLC, Zeon Chemicals Inc. and Zeon Chemicals LP Motion to Dismiss based upon the argument that Plaintiffs' lack antitrust standing, as damages alleged by Plaintiffs are too attenuated and cannot be supported by Nebraska law as Plaintiffs were purchasers of a derivative end-use product in which Defendants' product was one component, and that Plaintiffs lack standing to bring an unjust enrichment claim as Plaintiffs did not have a direct relationship or direct dealings with Defendants.


Briefs were submitted, oral arguments were heard, and the Court took the matter under advisement.

After consideration of the oral arguments presented by the parties and a review of the briefs submitted by the parties,

IT IS HEREBY ORDERED that these motions are OVERRULED.

Dated this 9 day of January 2006.

BY THE COURT:



Brian C. Silverman
District Judge